

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **October 14, 2003**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – 100 Mountain View Road**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: Liberty University, Thomas Road Baptist Church & GDT CG1, LLC (Hobby Lobby) are petitioning for a Conditional Use Permit (CUP) at 100 Mountain View Road to allow a community recreation facility in an I-2, Light Industrial District. The Planning Division recommended approval of the CUP because:

- Petition agrees with the Zoning Ordinance in that a “community” recreation facility is a permitted use in a light industrial district upon approval of a CUP by the City Council.
- Petition disagrees with the *Comprehensive Plan* which recommends an “Employment 2” use for the subject property, but approval of the CUP would not change the underlying I-2, Light Industrial District Zoning.
- Petition as submitted is compatible with surrounding land uses and would not create any nuisances to the surrounding properties.

Section 35.1-15(f) of the Zoning Ordinance states: “In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate.”

PRIOR ACTION(S):

September 24, 2003: Planning Division recommended approval of the CUP.

Planning Commission recommended approval (7-0) of the CUP with the following conditions:

1. The recreational use of the property will be developed in substantial compliance with the site plan entitled “Site Plan for Conditional Use Permit For a 134,300 Square Foot Community Recreation Facility” as prepared by ACRES of Virginia, Inc, dated August 26, 2003 and received August 29, 2003. The recreational use of the building will be limited to 135,000 square feet and the use of the property for recreational fields shall be limited to ten (10) acres. Fields as shown on the site plan may be relocated so long as the size of the fields do not exceed ten (10) acres. The petitioner shall modify the site plan to incorporate the designations encompassed by conditions 3, 4 & 6 below.
2. All development standards of Section 35.1-69, Recreational facilities, public or community owned of the Zoning Ordinance will be complied with.
3. The petitioner shall provide for the safe pedestrian access to the recreation facilities from the Liberty University Main Campus. This access shall be designated on the final approved site plan and shall be subject to the approval of the City Planner and the City Traffic Engineer. Pedestrian access shall be constructed prior to the use of any portions of the land or facilities for recreational purposes.
4. Appropriate emergency vehicle access shall be provided to all “practice” fields as determined by the Fire Marshals Office and designated on the final approved site plan. Recreation fields without appropriate emergency vehicle access as determined by the Fire Marshal, shall not be used for any recreation purpose until required access is constructed.
5. A fertilization schedule and application rate will be submitted to the Planning Division for review by the Environmental Planner for any “green” areas associated with the golf driving range on a yearly basis. The petitioner shall comply with any changes to the fertilization plan that the Environmental Planner may require.
6. The golf driving range will be constructed in a manner so that golf balls will not be hit toward parking areas, practice filed areas, and will be contained entirely within the property boundaries. Boundaries of the golf driving range shall be designated on the final approved plan in such location as approved by the City Planner.

7. All renovations to the building will be in compliance with the Building Officials & Code Administrators (BOCA) code as determined by the City's Building Official.
8. The Conditional Use Permit will become null & void with the approval of a rezoning request of the property to B-5, General Business District (Conditional).

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 827-1508, ext. 253

Tom Martin / 827-1508, ext. 226

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Site plan

REVIEWED BY: lkp

## RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LIBERTY UNIVERSITY, THOMAS ROAD BAPTIST CHURCH AND GDT, CG1, LLC AT 100 MOUNTAIN VIEW ROAD TO USE PORTIONS OF THE SUBJECT PROPERTY FOR RECREATIONAL PURPOSES, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Liberty University, Thomas Road Baptist Church and GDT, CG1, LLC for a Conditional Use Permit at 100 Mountain View road to use portions of the subject property for recreational purposes be, and the same is hereby, approved, subject to the following conditions:

1. The recreational use of the property will be developed in substantial compliance with the site plan entitled "Site Plan for Conditional Use Permit For a 134,300 Square Foot Community Recreation Facility" as prepared by ACRES of Virginia, Inc, dated August 26, 2003 and received August 29, 2003. The recreational use of the building will be limited to 135,000 square feet and the use of the property for recreational fields shall be limited to ten (10) acres. Fields as shown on the site plan may be relocated so long as the size of the fields do not exceed ten (10) acres. The petitioner shall modify the site plan to incorporate the designations encompassed by conditions 3, 4 & 6 below.
2. All development standards of Section 35.1-69, Recreational facilities, public or community owned of the Zoning Ordinance will be complied with.
3. The petitioner shall provide for the safe pedestrian access to the recreation facilities from the Liberty University Main Campus. This access shall be designated on the final approved site plan and shall be subject to the approval of the City Planner and the City Traffic Engineer. Pedestrian access shall be constructed prior to the use of any portions of the land or facilities for recreational purposes.
4. Appropriate emergency vehicle access shall be provided to all "practice" fields as determined by the Fire Marshals Office and designated on the final approved site plan. Recreation fields without appropriate emergency vehicle access as determined by the Fire Marshal, shall not be used for any recreation purpose until required access is constructed.
5. A fertilization schedule and application rate will be submitted to the Planning Division for review by the Environmental Planner for any "green" areas associated with the golf driving range on a yearly basis. The petitioner shall comply with any changes to the fertilization plan that the Environmental Planner may require.
6. The golf driving range will be constructed in a manner so that golf balls will not be hit toward parking areas, practice filed areas, and will be contained entirely within the property boundaries. Boundaries of the golf driving range shall be designated on the final approved plan in such location as approved by the City Planner.
7. All renovations to the building will be in compliance with the International Building Code (IBC) as determined by the City's Building Official.
- \*8. The Conditional Use Permit will become null & void with the approval of a rezoning request of the property to B-5, General Business District (Conditional).

Adopted:

Certified:

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Clerk of Council

\* The City Attorney's Office does not recommend that condition 8. be adopted in its current form. It is recommended that condition 8. be reworded as follows:

8. In the event the property is rezoned to B-5, General Business District (Conditional), the petitioners must still comply with the conditions contained in this CUP and such conditions will be set-forth in future zoning documents.

**The Department of Community Planning & Development**  
City Hall, Lynchburg, VA 24504434-847-1508

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** September 24, 2003  
**Re:** **CONDITIONAL USE PERMIT (CUP): 100 Mountain View Road**

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**I. PETITIONERS**

Liberty University, 1971 University Boulevard, Lynchburg, Virginia 24502  
Thomas Road Baptist Church, 701 Thomas Road, Lynchburg, Virginia 24502  
GDT CG1, LLC, 7707 Southwest 44<sup>th</sup> Street, Oklahoma City, Oklahoma 73179  
**Representative:** Thomas S. Brooks, Sr., ACRES of VA, 404 Clay Street, Lynchburg, Virginia 24504

**II. LOCATION**

The subject property is on a tract of about 107 acres located at 100 Mountain View Road

**Property Owner:** GDT CG1, LLC, 7707 Southwest 44<sup>th</sup> Street, Oklahoma City, Oklahoma 73179

**III. PURPOSE**

The purpose of this petition is to allow a "Community Recreation Facility" in an I-2, Light Industrial District.

**IV. SUMMARY**

- Petition *disagrees* with the *Comprehensive Plan 2002 – 2020* which designates the subject property as an "Employment 2" area.
- Petition *agrees* with the Zoning Ordinance in that a "community" recreation facility is a permitted use in a light industrial district upon approval of a CUP by the City Council.
- **The Planning Division recommends approval of the CUP petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The *Comprehensive Plan 2002 – 2020* recommends an "Employment 2" use for the subject property. Employment 2 areas designated on the Future Land Use Map (FLUM) are defined as areas that "are to include light and heavy manufacturing, research and development, flex space (mixture of office, retail, warehousing and retail), and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area." Commercial & Employment Areas, Objective 2.A, Conservation of Development Sites, number 5 states "In areas designated for industrial development, limit commercial uses to those providing goods and services to the industries and to their employees."  
  
The Comprehensive Plan does address the need for recreational facilities on a citywide basis. Parks & Recreation, Objective 2.C, under served Segments states "Consider the construction of a new indoor recreation center of about 45,000 square feet. Include a gymnasium, classrooms, multi-purpose rooms, and administrative offices for the Parks and Recreation Department, and support space. Consider the addition of an indoor pool to the new recreation center in a future development phase." While the proposed facilities will serve the needs of Liberty University and Thomas Road Baptist Church, the facilities would only serve the general public on a limited basis. Parks & Recreation Director Kay Frazier states, "The proposed community / recreational facility's primary purpose appears to be to serve the Liberty University and Thomas Road Baptist Church community with some capacity to serve a public purpose. The proposed center as presented, will not satisfy the need for a public recreation center as stated in the Comprehensive Plan."
2. **Zoning.** The subject property was annexed into the City of Lynchburg in 1958. The property has been zoned for manufacturing uses since 1960. The current I-2, Light Industrial District was established in 1978 with the adoption of the current Zoning Ordinance. On November 14, 1995 the City Council amended Section 35.1-39, Restricted Industrial Districts (I-1) and Sections 35.1-40, Light Industrial Districts (I-2) of the City's Zoning Ordinance to allow "public and community" recreation facilities upon approval of a Conditional Use Permit.

The Zoning Ordinance defines “public” as “any land, structure or building owned by the city government, or a regional authority of which the city is a member, or their agencies.” The Zoning Ordinance defines a “community facility use” as “a public use in private or public ownership run on a nonprofit basis.” Examples are churches, welfare centers, voluntary hospitals, or privately endowed museums or libraries. Facilities of private, nonprofit membership organizations for use only by members thereof are also community facilities. Examples may be country clubs, golf courses, or community swimming pools. The petition as submitted would be considered a “community facility use”.

Section 35.1-15, Conditional use permits issued by City Council, states that “many uses of the land have special characteristics which cannot be comprehended within the general regulations of the zoning ordinance or which render them appropriate in certain zoning districts only if special requirements are met. The intent of this conditional use procedure is to provide for the development of these uses under restrictions appropriate for them.” Section 35.1-69, lists specific development standards for the development of recreation facilities, public and community owned.

Conditional use permits are subject to City Council approval on a case by case basis. The issue with a conditional use permit is whether in a given situation, the requested use is compatible with neighboring uses. This issue of compatibility is determined according to whether the requested use meets the required development standards as defined in the Zoning Ordinance and if the use would create any nuisances to the neighboring properties. Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP. Essentially conditions placed on a CUP should address potential nuisances, address impacts created by the development and provide for the general health, safety and welfare of the public.

Approval of the CUP would not change the existing I-2, Light Industrial District Zoning, and portions of the property not associated with the CUP would be available for manufacturing uses.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed community recreation facility.
4. **Surrounding Area.** The following items have required City Council approval in the immediate area. Please refer to attachment “City Council Approvals”.
  1. On December 12, 1978 the City Council adopted the “Official Zoning Map”. With this adoption, 142 acres of the **Liberty University main campus** was rezoned from M, Manufacturing to B-5, General Business District.
  2. On November 11, 1983 the City Council approved the petition of Old Time Gospel Hour to rezone 133 acres on **Liberty Mountain Drive** from R-C, Conservation District to R-4, Multi-Family Residential District (Conditional) to allow the construction of four (4) 400 unit apartment buildings and a 250 bed health care facility.
  3. On October 14, 1986 the City Council approved the petition of Thomas L. Phillips to rezone 29 acres in the **3400 block of Candler's Mountain Road** from I-2, Light Industrial District, I-3, Heavy Industrial District, B-5, General Business District (Conditional), B-3, Community Business District (Conditional) and R-4, Multi-Family Residential District (Conditional) to B-5, General Business District (Conditional), B-3, Community Business District (Conditional) and R-4, Multi-Family Residential District (Conditional) to allow the construction of townhouses and retail.
  4. On March 10, 1987 the City Council approved the petition of Old Time Gospel Hour to rezone 16 acres at **3777 Candler's Mountain Road** from R-4, Multi-Family Residential District (Conditional) to B-3, Community Business District (Conditional) to allow the construction of a radio and television studio.
  5. On April 12, 1988 the City Council approved the rezoning petition of Old Time Gospel Hour for the remaining 30 acres of the **Liberty University main campus** from I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of dormitories and the expansion of other university related uses.
  6. On November 8, 1988 the City Council approved the petition of Old Time Gospel Hour / Village Management, Inc. to rezone 134.2 acres at **3765 Candler's Mountain Road** from R-4, Multi-Family Residential District (Conditional) to B-3, Community Business District (Conditional) to allow the construction of a retirement community.

7. On March 14, 1989 the City Council approved the CUP petition of Old Time Gospel Hour / Liberty University for the construction of a 12,000 seat football stadium and a 9,000 seat basketball arena (the Vine Center) on the **Liberty University main campus**. A condition of this CUP was the construction of a secondary permanent access, subject to approval by the City.
8. On July 11, 1989 the City Council approved the petition of N. W. Development to rezone 30.5 acres in the **3600 Block of Candler's Mountain Road** from I-2, Light Industrial District, B-5, General Business District (Conditional), and R-4 (Conditional) to B-3, Community Business District (Conditional) to allow the construction of Candler's Station shopping center.
9. On November 14, 1989 the City Council approved the petition of N. W. Development to rezone 2.6 acres in the **3600 Block of Candler's Mountain Road** from I-2, Light Industrial District to B-3, Community Business District (Conditional) to allow retail sales as part of Candler's Station.
10. An extension regarding the time period for construction of a new primary access to the **Liberty University main campus** was granted on September 11, 1990. The City Council approved an amendment to the March 14, 1989 CUP petition of Old Time Gospel Hour / Liberty University.
11. On October 9, 1990 the City Council approved the petition of Candler's Station Limited Partnership to rezone 2.54 acres in the **3600 Block of Candler's Mountain Road** from I-3, Heavy Industrial District to B-3, Community Business District (Conditional) and B-5, General Business District (Conditional) to allow retail sales as part of Candler's Station.
12. An extension for completion of the "eastbound" access ramp onto U.S. Route 460 from the **Liberty University main campus** was granted on September 10, 1991. The City Council approved an amendment to the September 11, 1990 CUP petition of Old Time Gospel Hour / Liberty University to allow this extension.
13. An extension for the construction of the "eastbound" access ramp onto U.S. Route 460 from the **Liberty University main campus** was granted on March 24, 1992. The City Council approved an amendment to the September 10, 1991 CUP petition of Old Time Gospel Hour / Liberty University.
14. An extension for the construction of "eastbound" and "westbound" access ramps onto U.S. Route 460 to and from the **Liberty University main campus** were approved on July 14, 1992. The City Council approved an amendment to the March 24, 1992 CUP petition of Old Time Gospel Hour / Liberty University to establish the new deadlines.
15. On September 13, 1994 the City Council approved the petition of Candler's Mountain Development Company to rezone 400 acres on **Candler's Mountain Road** (East of U.S. Route 460) from R-C, Conservation District to R-2, Single-Family Residential District (Conditional) and B-3, Community Business District (Conditional) to allow the construction of a Planned Unit Development (PUD) and a Cluster Commercial Development (CCD).
16. An extension for the construction of the required access ramps was granted on September 27, 1994. The City Council approved an amendment to the July 14, 1992 CUP petition of Old Time Gospel Hour / Liberty University to further extend the time period.
17. On September 9, 1997 the City Council approved the petition of the Inn Group to rezone 4.3 acres at **1910 University Boulevard**, from R-C, Conservation District and I-2, Light Industrial District to B-3, Community Business District (Conditional) to allow the construction of a hotel. (Extended Stay)
18. On April 14, 1998 the City Council approved the CUP petition of Liberty University at **1971 University Boulevard** to allow the construction of four (4) new dormitories, a visitor's center, additions to the DeMoss building and associated parking areas.
19. On November 13, 2001 the City Council approved the CUP petition of Liberty University at **1971 University Boulevard** to allow the construction of a student center and associated parking.
5. **Site Description.** The subject property is a tract of about 107 acres and contains an 838,164 square foot building historically used as a manufacturing facility. Ericsson and SCI have most recently used the facility. According to the petitioner, the building is vacant of all manufacturing uses with the exception of some warehouse space. The site is bounded to the north (across Candler's Mountain Rd) by heavy industrial uses, to the south (across Ericsson Dr,) by an institutional use (Liberty University), to the east (across Candler's

Mountain Rd.) by commercial and multi-family residential uses, and to the west (across Norfolk & Southern Railroad) by commercial uses (River Ridge Mall).

6. **Proposed Use of Property.** The purpose of the CUP is to allow the use of the property for a 134,300 square foot indoor recreation facility, six outdoor “practice” fields and an outdoor golf driving range.
7. **Traffic & Parking.** The City Traffic Engineer did not express any major concerns regarding traffic impacts on the surrounding road network from the proposed recreation facility. However, the City Traffic Engineer did note the future need for an access road between the proposed recreation facility and the Liberty University campus. This would allow students to access the facilities without having to use the surrounding road network. The Planning Division also suggests that pedestrian access be carefully planned and designed. Another area noted for improvement is access within the subject property itself. Access drives should be constructed on the property so that vehicular traffic can access all parts of the property without using external roadways.

The submitted site plan indicates that there are currently 1697 parking spaces available on the site. Section 35.1-25, Off-street parking and loading, requires one (1) space for every two (2) persons of the rated capacity for recreational facilities. The submitted narrative does not address the capacity of the facilities, however the existing parking spaces should be more than adequate to serve the recreation facility.

8. **Storm Water Management.** A storm water management plan will not be required, because there will not be any new impervious areas. Erosion & Sediment Control plans will be required prior to the construction of the proposed “practice” fields and golf driving range if disturbed areas exceed 1000 square feet.
9. **Impact.** The current submittal proposes the use of 134,300 square feet of an 838,164 square foot building for recreational uses such as gymnasiums, an indoor track, and a swimming pool. The submitted site plan indicates a total of six (6) “practice” fields and a proposed golf driving range. The exact design, extent or location of the golf driving range has not been determined and is not shown on the submitted site plan. Of concern to the Planning Division is that the driving range be constructed in a manner to insure that golf balls are contained on the property. Also if “green areas” are to be heavily fertilized, nitrogen levels in runoff could severely affect the water quality of receiving streams.

Of particular concern to the Planning Division is that the two northern most “practice” fields are not readily accessible to emergency vehicles. Emergency vehicle access should be constructed to serve these two fields. Design and location of this access should be approved by the Fire Marshal’s office prior to final site plan approval.

The subject property has been historically used for industrial and manufacturing uses on a twenty-four hour a day basis and is not directly adjacent to any residential use. Although the submitted narrative does not address hours of operation, impacts from traffic, noise, lights, runoff (other than potential nitrogen loading of nearby streams) or other nuisances should be no greater than previously existed on the site.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on August 19. Comments related to this petition were minor in nature and have or will be addressed prior to final site plan approval.
11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.

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## VI. PLANNING DIVISION RECOMMENDATION

**Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Liberty University, Thomas Road Baptist Church and GDT, CG1, LLC for a conditional use permit at 100 Mountain View Road to use portions of the subject property for recreational uses subject to the following conditions:**

1. **The property will be developed in substantial compliance with the site plan entitled “Site Plan for Conditional Use Permit For a 134,300 Square Foot Community Recreation Facility” as prepared by ACRES of Virginia, Inc, dated August 26, 2003 and received August 29, 2003. Only those areas designated on the plan may be used for recreational uses. The petitioner shall modify the site plan to incorporate the designations encompassed by conditions 3, 4 & 6 below.**

2. All development standards of Section 35.1-69, Recreation facilities, public or community owned of the Zoning Ordinance will be complied with.
3. The petitioner shall provide for the safe pedestrian access to the recreation facilities from the Liberty University Main Campus. This access shall be designated on the final approved site plan and shall be subject to the approval of the City Planner and the City Traffic Engineer. Pedestrian access shall be constructed prior to the use of any portions of the land or facilities for recreational purposes.
4. Appropriate emergency vehicle access shall be provided to all “practice” fields as determined by the Fire Marshals Office and designated on the final approved site plan. Recreation fields without appropriate emergency vehicle access as determined by the Fire Marshal, shall not be used for any recreation purpose until required access is constructed.
5. A fertilization schedule and application rate will be submitted to the Planning Division for review by the Environmental Planner for any “green” areas associated with the golf driving range on a yearly basis. The petitioner shall comply with any changes to the fertilization plan that the Environmental Planner may require.
6. The golf driving range will be constructed in a manner so that golf balls will not be hit toward parking areas, practice filed areas, and will be contained entirely within the property boundaries. Boundaries of the golf driving range shall be designated on the final approved plan in such location as approved by the City Planner.
7. All renovations to the building will be in compliance with the Building Officials & Code Administrators (BOCA) code as determined by the City’s Building Official.

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. Doug Dejarnette, Fire Marshal  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Karl Cooler, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Kent White, Environmental Planner  
Mr. Thomas S. Brooks, Sr., Representative

#### VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**  
(see attached map)
2. **Vicinity Proposed Land Use**  
(see attached map)
3. **Site Plan**  
(see attached site plans)
4. **Narrative**  
(see attached narrative)
5. **City Council Approvals**  
(see attached map)



PLANNING COMMISSION MINUTES  
SEPTEMBER 24, 2003

THESE MINUTES HAVE NOT BEEN REVIEWED NOR APPROVED BY THE PLANNING COMMISSION

Petition of Liberty University Inc., Thomas Road Baptist Church and GDT, CG1, LLC for a conditional use permit at 100 Mountain View Road for the use of a portion of an existing building as a community recreation facility in an I-2, Light Industrial District.

Mr. Tom Martin, City Planner, told the Commission that the proposed recreation center disagreed with the Comprehensive Plan, which recommended an Employment 2 area for the subject property. However, he said, the petition was in agreement with the Zoning Ordinance, which allowed community recreation facilities in an I-2 Industrial District with approval of a Conditional Use Permit. He continued by saying that the issue associated with the request was if the use was compatible with the uses of neighboring properties. He added that compatibility was determined according to whether the requested use met the development standards as required by the Zoning Ordinance, and if the use would create nuisances to the neighboring properties. Mr. Martin said the requested CUP would not change the underlying Industrial Zoning, and added that the Planning Division recommended approval of the CUP with the suggested conditions.

Mr. Tommy Brooks, Sr., ACRES of Virginia, told the Planning Commission that he was hired to develop a map to show the rezoning of approximately 400 acres of land for Liberty University. He said the plan included a retail area, the former Ericsson site, a recreation area, and recreational fields. He said there were approximately 1,690 total parking spaces currently on the site.

Jerry Falwell, Jr. said they started working with the City staff approximately six months ago and were surprisingly more in agreement on the planning issues than most people realized. He said, however, they were not in total agreement as to what was permitted in an Industrial District. Mr. Falwell said that after the Commissioners had received their packets, Liberty University had received an actual layout from Hobby Lobby, the retailer developer of the shopping center. He added that the new retail space was smaller than what was originally estimated. He said in 2001 Liberty University received a monetary commitment for a recreation center. However, he said, when the Ericsson property became available, it made more sense to convert that facility into a recreation center. He explained that at that point, the architects drew up a floor plan for a rec center at the Ericsson site, which included six gymnasiums, a swimming pool, a running track and numerous smaller recreational facilities. Mr. Falwell added that they wanted to expedite this process because they had a record enrollment this year, and needed to keep the 6,800 students busy. He continued by saying that they also wanted the donors to see that something was indeed happening with the large chunk of money they had contributed. Mr. Falwell told the Commission that Liberty was in the process of requesting a rezoning, and was still in discussion with the City staff as to whether the Comprehensive Plan should be changed in connection with their request. He said they came to the conclusion that the entire process would be lengthy. As a result, he said, Mr. Walter Erwin, City Attorney, suggested that they apply for a CUP for the recreation center separately from the rest of the petition in order to expedite that portion of the process.

Mr. Bill McRorie, a local attorney working with the Falwell Ministries, addressed the Commission. He said in the 1950's when the first of the five buildings on the then GE, now Ericsson, site were built, the property was made available for community use. He said the Thomas Road Ministries was planning to continue that practice by making the proposed fields available for use by employees, university students, and the public, a practice Mr. McRorie explained, was already being done with the Vine Center and Williams Stadium. He said this would be a continuation of use and did not think it should be controversial.

Mr. Samuel Franklin, III, 2427 Castle Place, addressed the Commission. He said he had lived in and around the area all of his life and indicated that he supported the church in their request. He reminded the Commissioners that he had sent them a letter in August concerning the petition, and read the letter to the Commission for the record.

Mr. Falwell said he was concerned with the wording of Condition 1 which stated that the property would be developed in "substantial compliance" with the site plan. He pointed out that they had not done geotechnical testing yet to determine if their fields could actually be located in the areas shown on the site plan.

Commissioner Wilkins clarified that Mr. Falwell just wanted to have flexibility in the placement of the fields and the possibility of eliminating some fields, but not adding any new parts to the plan.

Mr. Falwell said their site plan had already changed with the exact size of the retail center just becoming available. He said with Condition 1 in place, they were locked into a retail portion that would be larger than they wanted.

Mr. McRorie said if they were restricted by the proffers attached to a specific site plan, then the petitioner would be required to come before the Planning Commission each time they wanted to make a change. He said they were trying to find language to allow reasonable variation as long as they were staying with the same use and the same property.

Chair Dahlgren said the Commissioners had to make their decisions based on the facts known to them today. He asked Mr. Falwell what type of arrangements they were considering to keep the recreational fields and the golf course watered.

Mr. Falwell said they were hoping to have enough intramural fields in the area so they could rotate the use, thus eliminating the need for a lot of irrigation. He said they do have retention ponds on site that could hold water to irrigate the fields.

Commissioner Echols asked about the anticipated student enrollment for ten and twenty years from now.

Mr. Falwell said the current enrollment was 6,800 students, with approximately 4,000 living on campus. He said the goal was an enrollment of 10,000 students by the end of this decade, but growth was contingent on fund raising.

Commissioner Worthington mentioned that the City had granted Liberty University several CUP's and rezonings over the years, and asked why they requested several extensions with respect to highway ramps.

Mr. Falwell explained that in 1989 the University applied for a CUP for the Vine Center and Williams Stadium. He said one condition of that CUP was that the University build three highway ramps. He continued by saying that one of those ramps cost approximately \$1.2 million and the other two ramps together cost approximately that same amount. He said at that time, the University was not in the financial position to build the ramps, so they asked for and received extensions from the City. Mr. Falwell said in 1998 they did build the most expensive of the three ramps on the east side of Rt. 460. He said there was still the need to build a second primary access to the campus for safety purposes, and added that they were proposing to build that access as part of this rezoning.

Commissioner Worthington commented that he did not want students to have to cross a street to get to the recreational facility. He asked if Liberty would be required to provide a safer route for students to travel to the site if the CUP was approved.

Mr. Martin said there was a concern for moving students safely from the Liberty Campus to the former Ericsson facility. He explained that there were a couple of ways to achieve that. He said the problem could be solved by installing sidewalks and crosswalks along University Boulevard, or an access drive from David's Place to Ericsson Drive with sidewalks and crosswalks could be installed. Mr. Martin said for the purpose of this CUP, he thinks it would be sufficient to specify that Liberty will provide safe access for students, but let them decide how they are going to provide that access.

Mr. Falwell said they wanted to address the pedestrian access in two phases. He explained that the first phase would be to use the existing sidewalks along University Boulevard. The second phase, he continued, would be to install a pipe across a ravine between the campus and Ericsson, which would serve as both a walkway and driveway.

Chair Dahlgren asked when work would begin on the outside areas.

Mr. Falwell answered that work on the outdoor area would not begin until spring of 2004.

Commissioner Pulliam asked Mr. Martin how the enforcement of the project would be handled if at any time during the construction the petitioner did not follow the plans.

Mr. Martin said they were getting back to the substantial compliance section of Condition 1. He said in the past there had been some confusion as to what "substantial compliance" meant, and added that also in the past the Planning Division had interpreted "substantial compliance" to mean exactly what was on the plan. He said in some cases it would be very important. Mr. Martin said on a site as large as the former Ericsson building, with as little a chance of

nuisances occurring from the recreation facilities, the ability to move those five or six fields around did not concern the Planning Division. What did concern the Planning Division, he said, was with the I-2 zoning. He said his recommendation would be that the University be limited to a specific amount of square footage of recreational use in a portion of the building, and limit the number of athletic fields to six.

Commissioner Worthington said his concerns with ingress/egress had been addressed. He said it was critical to manage the traffic more aggressively. He said he agreed that the playing fields could be shifted on the site where they best fit.

Commissioner Wilkins asked about language for the new site plan for the retail space.

Mr. Martin said if the rezoning and CUP were eventually approved, then this CUP would be null and void.

Chair Dahlgren said they should determine the square footage of all of the fields on the site plan and use that number as a base for the amount of field area needed, not to encroach on the pathways. He said the rest of the proposal is acceptable with the noted Conditions.

Commissioner Wilkins said they should give Mr. Falwell the Condition he asked for, and draft a suggestion in order to approve Condition 1.

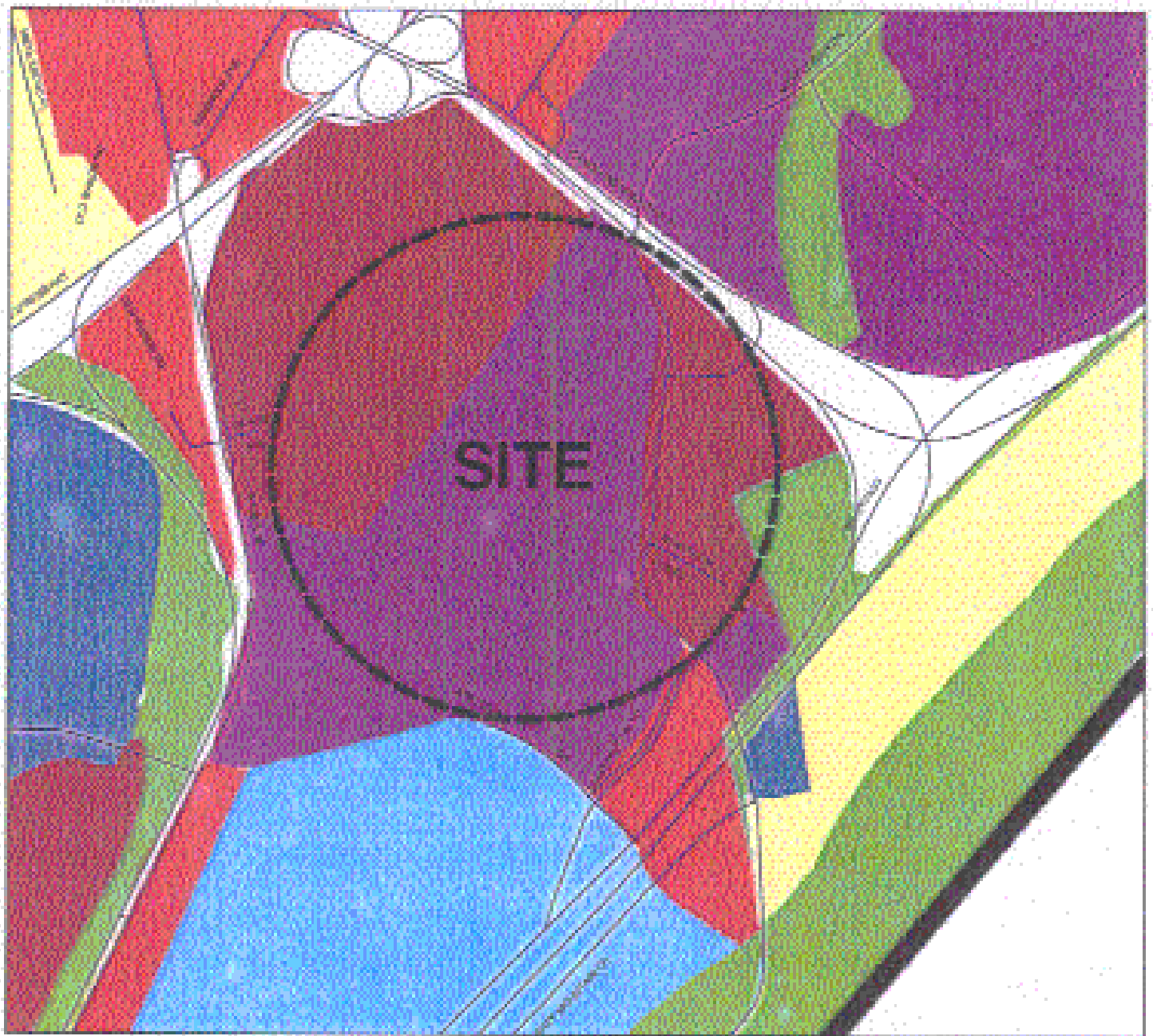
After discussion Commissioner Echols made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of Liberty University, Thomas Road Baptist Church and GDT, CG1, LLC for a conditional use permit at 100 Mountain View Road to use portions of the subject property for recreational uses subject to the following conditions:

1. The recreational use of the property will be developed in substantial compliance with the site plan entitled "Site Plan for Conditional Use Permit For a 134,300 Square Foot Community Recreation Facility" as prepared by ACRES of Virginia, Inc, dated August 26, 2003 and received August 29, 2003. The recreational use of the building will be limited to 135,000 square feet and the use of the property for recreational fields shall be limited to ten (10) acres. Fields as shown on the site plan may be relocated so long as the size of the fields do not exceed ten (10) acres. The petitioner shall modify the site plan to incorporate the designations encompassed by conditions 3, 4 & 6 below.
2. All development standards of Section 35.1-69, Recreational facilities, public or community owned of the Zoning Ordinance will be complied with.
3. The petitioner shall provide for the safe pedestrian access to the recreation facilities from the Liberty University Main Campus. This access shall be designated on the final approved site plan and shall be subject to the approval of the City Planner and the City Traffic Engineer. Pedestrian access shall be constructed prior to the use of any portions of the land or facilities for recreational purposes.
4. Appropriate emergency vehicle access shall be provided to all "practice" fields as determined by the Fire Marshals Office and designated on the final approved site plan. Recreation fields without appropriate emergency vehicle access as determined by the Fire Marshal, shall not be used for any recreation purpose until required access is constructed.
5. A fertilization schedule and application rate will be submitted to the Planning Division for review by the Environmental Planner for any "green" areas associated with the golf driving range on a yearly basis. The petitioner shall comply with any changes to the fertilization plan that the Environmental Planner may require.
6. The golf driving range will be constructed in a manner so that golf balls will not be hit toward parking areas, practice filed areas, and will be contained entirely within the property boundaries. Boundaries of the golf driving range shall be designated on the final approved plan in such location as approved by the City Planner.

7. All renovations to the building will be in compliance with the Building Officials & Code Administrators (BOCA) code as determined by the City's Building Official
8. The Conditional Use Permit will become null and void with the approval of a rezoning request of the property to B-5, General Business District (Conditional)."

AYES:	Dahlgren, Echols, Flint, Moore, Pulliam, Wilkins, Worthington	7
NOES:		0
ABSTENTIONS:		0



**SITE**

# COMMUNITY RECREATION FACILITY 100 MOUNTAIN VIEW ROAD LAND USE PLAN

	Public Parks
	Resource Conservation
	Public Use
	Industrial
	Downstream
	Office
	Employment 1
	Employment 2
	Neighborhood Commercial
	Community Commercial
	Regional Commercial
	Low Density Residential
	Medium Density Residential
	High Density Residential
	Traditional Residential
	Locally Designated Water Storage
	Wood Use



# COMMUNITY RECREATION FACILITY

100 Mountain View Road

Vol. Map # 130-01-0023, 131-01-001

Conditional Use Permit Request

Petitioner: GDT CGI, LLC

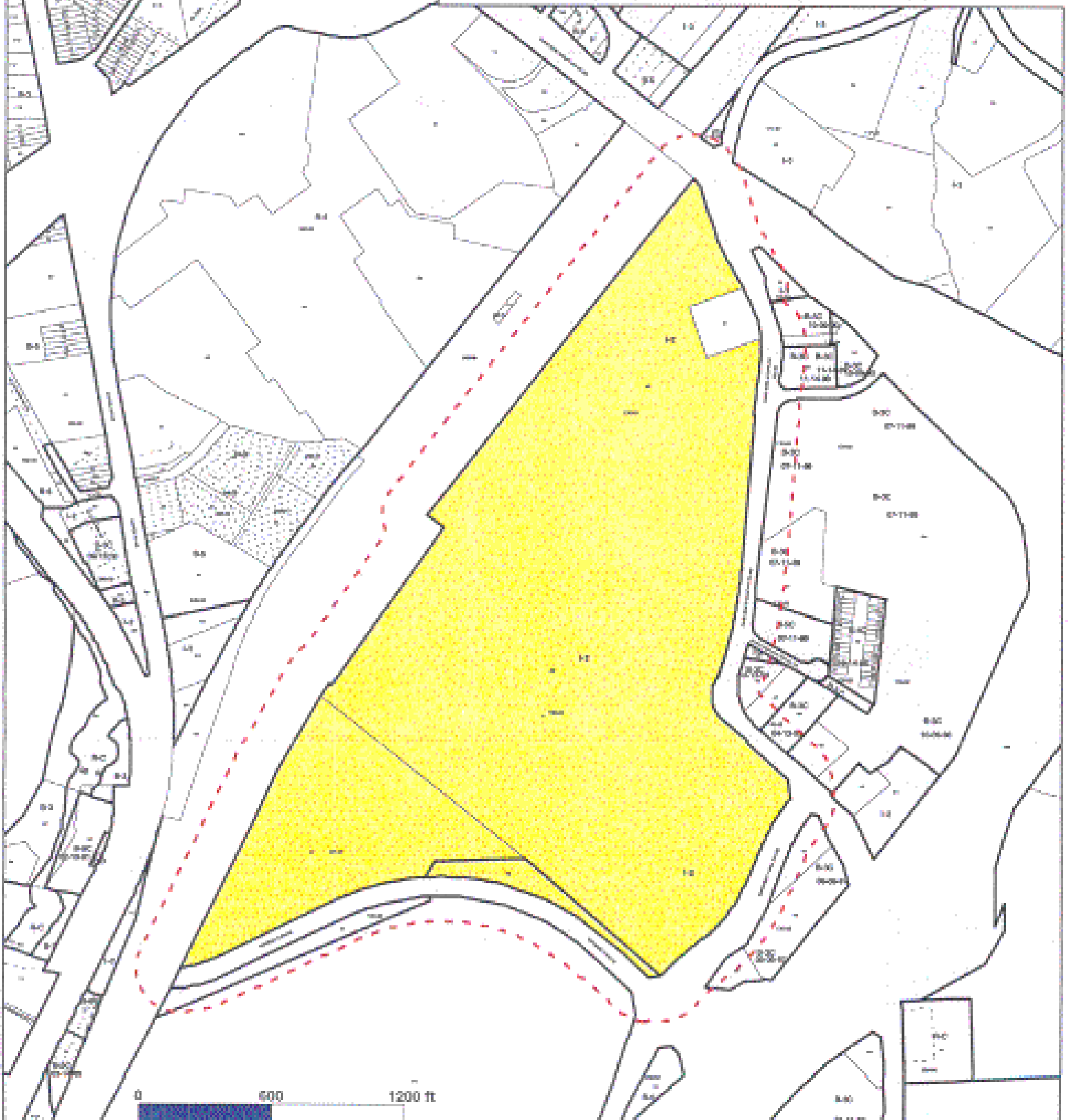
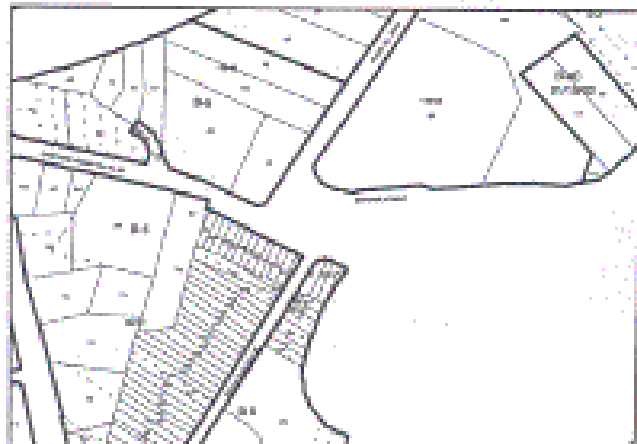
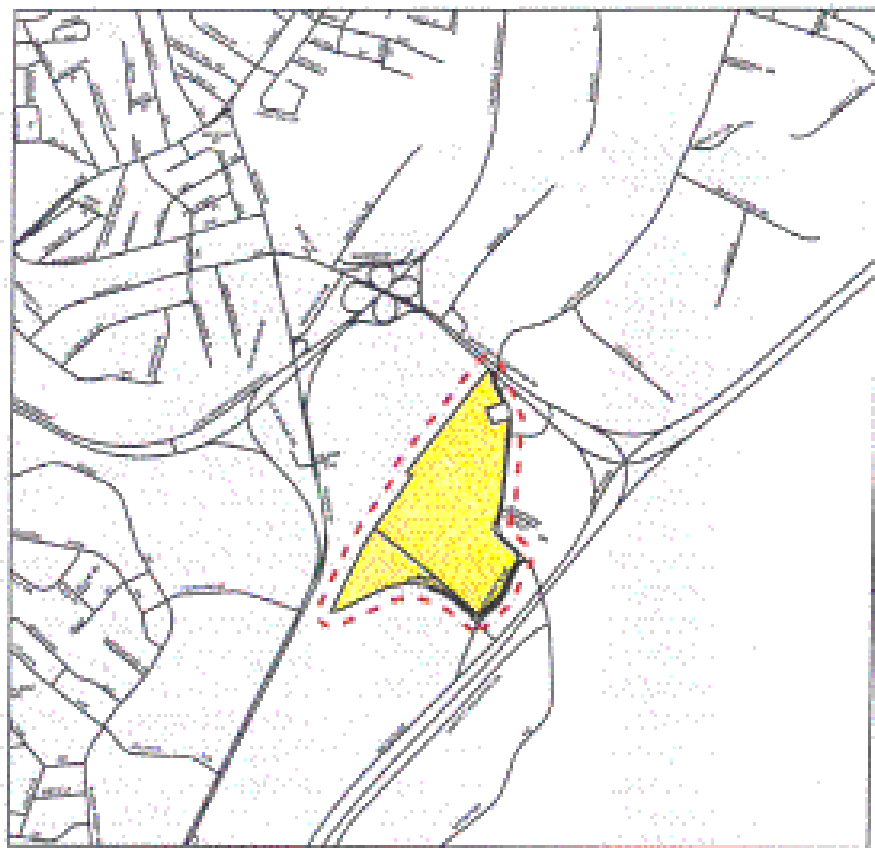
MAP PREPARED BY  
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property



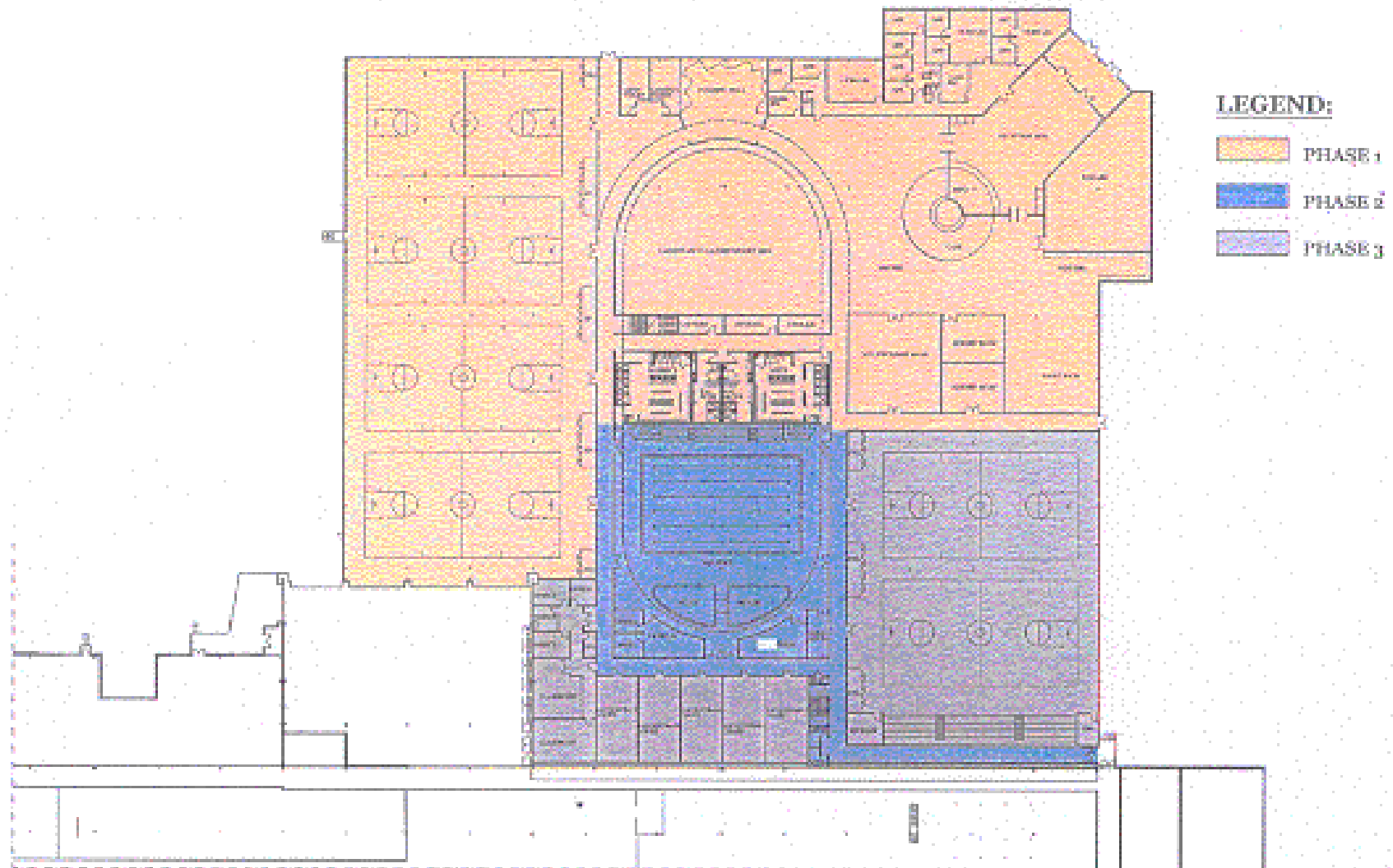
200 ft Radius



Community Recreation Facility  
100 Mountain View Road

OldID	PIN	Owner
11402003	11402003	WEYERHAEUSER COMPANY
11701002	11701002	C R HUDGINS PLATING INC
11701008	11701008	C R HUDGINS PLATING INC
13001001	13001001	CITY OF LYNCHBURG
13001002	13001002	GDT CG1 LLC
13001003	13001003	GDT CG1 LLC
13002002	13002002	LYNCHBURG LODGING INC
13002004	13002004	J D N REALTY CORPORATION
13002005	13002005	TOYS R US
13002006	13002006	B N E RESTAURANT GROUP IV LL
13002007	13002007	LYNCHBURG LODGING INC
13002008	13002008	MACHER, RICHARD H
13002014	13002014	CUBE ENTERPRISES, LLC
13002023	13002023	J D N REALTY CORPORATION
13004000		COMMONWEALTH OF VIRGINIA
13004001	13004001	CANDLERS STATION PARTNERSHIP
13004002	13004002	APPLEBEE'S OF VIRGINIA INC
13004003	13004003	HILL CITY LODGING LLC
13005001	13005001	GDT CG1 LLC
13005002	13005002	GDT CG1 LLC
13005003	13005003	ESA VIRGINIA INC #1828
13101001	13101001	GDT CG1 LLC
13102001	13102001	LIBERTY UNIVERSITY INC
25701001	25701001	LIBERTY UNIVERSITY INC
99999		NORFOLK SOUTHERN CORPORATION ATTN:LLOYD CLINGENPEEL

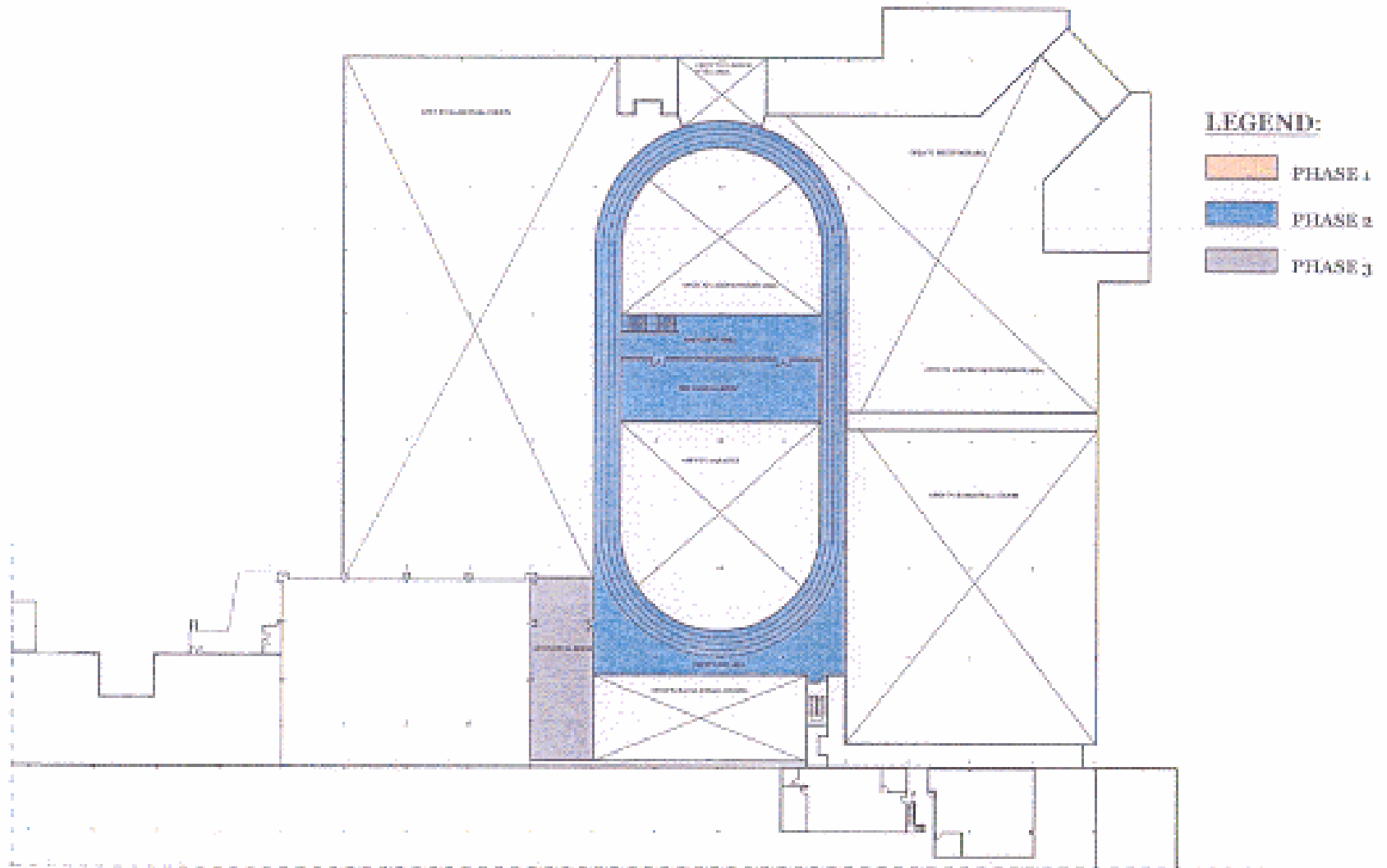
# GROUND FLOOR LEVEL



## RECREATIONAL CENTER



# MEZZANINE FLOOR LEVEL



## RECREATIONAL CENTER

Scale  
1" = 10'-0"

**MMM** DESIGN GROUP  
ARCHITECTS • ENGINEERS • PLANNERS

**REVISED NARRATIVE**  
**100 MOUNTAIN VIEW ROAD**  
**PROPOSED "COMMUNITY / PUBLIC RECREATION FACILITY"**

Thomas Road Baptist Church, GDT CG1, LLC and Liberty University (the "Applicants") are requesting a Conditional Use Permit to expand the existing public and community recreational facilities at the former Ericsson property at One Mountain view Road, Lynchburg. The existing recreational facilities, which include outdoor athletic fields and a building that has served as a dining pavillion will be expanded to include gymnasiums, a swimming pool, a running track and other such activity centers, all as shown on the color floor plans of the southeast section of the former Ericsson building that were provided to Art Tolley by e mail on August 16, 2003. The proposed expansion may also include an outdoor golf driving range and other recreational facilities in the future at undetermined locations on the former Ericsson property. Any such facilities will be similar to the existing facilities and those shown on the floor plans.

After the proposed expansion is completed, the recreational facilities will continue to be available for use by employees working on the former Ericsson property, the Liberty University and Thomas Road Baptist Church communities and other local groups just as they have been since the facilities were constructed in the 1960s. Liberty University will administer the use of the facilities through its Master Calendar Office. While it is likely that fees will be charged for the use of the expanded facilities, the amounts of any such fees have not yet been established. Neither have the new hours of operation for the public or the Thomas Road Baptist Church/Liberty University communities been determined at this stage.

In order to expedite construction, the Applicants are requesting a Conditional Use Permit even though Applicants believe that the proposed expansion of the existing recreational facilities is permitted under Lynchburg's Zoning Ordinance without a Conditional Use Permit. City Staff has not ruled on whether they agree that the existing facilities and the expansion thereof are permitted as a "grandfathered" use and Applicants do not wish to delay the process further by waiting for such a ruling or by waiting for the property to be rezoned.